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9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11  
12 HARRISON BENJAMIN KINNEY,

No. 16-cv-3480 CRB

13 Plaintiff,

14  
15 **ORDER OF SUA SPONTE**  
**REFERRAL AS TO WHETHER**  
**CASES ARE RELATED**

v.

16 GAV'S AUTO SERVICE ET AL.,

17 Defendants.  
\_\_\_\_\_/

18 Northern District of California Civil Local Rule 3-12(c) provides: "Whenever a Judge  
19 believes that a case pending before that Judge is related to another case, the Judge may refer  
20 the case to the Judge assigned to the earliest-filed case with a request that the Judge assigned  
21 to the earliest-filed case consider whether the cases are related."

22 After reviewing the parties' submissions, the Court believes that this case involves the  
23 same facts, the same issues, and many of the same parties as Patrick Connally v. Gav's Auto  
24 Service et al., Case No. 15-3468. There, the Honorable Jon S. Tigar denied a motion to add  
25 Harrison Kinney as a plaintiff because he lacked standing under the ADA. Here, Defendant  
26 Joan Borgwardt moves to dismiss Kinney's own complaint on the same grounds.

27 Accordingly, pursuant to Rule 3-12(c), this action is REFERRED to the Honorable  
28 Jon S. Tigar for a determination of whether it relates to Patrick Connally v. Gav's Auto  
Service et al., Case No. 15-3468.

1 **IT IS SO ORDERED.**

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3 Dated: October 4, 2016  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE